

Offered by Councilors Felix G. Arroyo and Michael P. Ross



**CITY OF BOSTON**

**IN THE YEAR TWO THOUSAND TEN**

**HOME RULE PETITION**

*WHEREAS,* The BCYF Streetworker Program is a prevention and intervention tool implemented in the City of Boston to address issues of youth violence by dispatching street workers directly in the neighborhoods; and,

*WHEREAS,* Street workers work closely with youth and their families to build positive relationships, help connect them to needed services, and prevent escalation that might lead to outbreaks of violence; and,

*WHEREAS,* Street workers, as a part of their job, can find themselves in potentially dangerous and life-threatening situations and can themselves become victims of deliberate or unintentional acts of violence; and

*WHEREAS,* A street worker who is injured through an act of violence in connection to his job and cannot work due to his injuries receives only basic workers' compensation; NOW,

*THEREFORE BE IT ORDERED,*

That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of from only:

**PETITION FOR A SPECIAL LAW RE:**

**AN ACT RELATIVE TO STREET WORKER WORKERS' COMPENSATION**

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
and by the authority of the same, as follows:*

**SECTION 1.** As used in this chapter the following words shall have the following meanings:--

“Street worker”, an employee of the city of Boston who works directly with and provides intervention and social services to individuals and families in at-risk or crisis situations.

“Violent act”, a physical assault or battery by use of force, including but not limited to the use of a weapon or an appendage of the body, committed by one or more individuals.

SECTION 2. In the city of Boston, a street worker who is incapacitated for duty because of an injury that is the result of a violent act sustained in the performance and scope of his duty shall be granted leave without loss of pay for the period of such incapacity; provided, that no such leave shall be granted for any period after such street worker has been retired or pensioned in accordance with law or for any period after a physician designated by the board or personnel authorized to appoint street worker personnel in the city of Boston determines that such incapacity no longer exists. A violent act resulting in an injury that occurs during off-duty hours or out of the district or service area in which a street worker performs his duties shall be deemed within the performance and scope of his duty if it can be reasonably determined that the act was related to an incident that occurred during normal work hours, including overtime hours, or related to an individual with whom the street worker had come in contact; provided that the incident or the contact happened as a consequence of fulfilling the duties in his job description. All amounts payable under this section shall be paid at the time and in the same manner as, and for all purposes shall be deemed to be, the regular compensation of such street worker personnel. This section shall also apply to any such employee who is subject to the provisions of chapter one hundred and fifty-two if he is injured while delivering street worker services and if he waives the provisions of said chapter.

Where the injury causing the incapacity of a street worker for which he is granted a leave without loss of pay and is paid compensation in accordance with the provisions of this section, was caused under circumstances creating legal liability in some person to pay damages in respect thereof, either the person so injured or the department of the city of Boston paying such compensation may proceed to enforce the liability of such person in any court of competent jurisdiction. The sum recovered shall be for the benefit of the city of Boston paying such compensation, unless the sum is greater than the compensation paid to that person so injured, in which event the excess shall be retained by or paid to the person so injured. For the purposes of this section, “excess” shall mean the amount by which the total sum received in payment for the injury, exclusive of interest and costs, exceeds the amount paid under this section as compensation to the person so injured. The party bringing the action shall be entitled to any costs recovered by him. Any interest received in such action shall be apportioned between the city of Boston and the person so injured in proportion to the amounts received by them respectively, inclusive of interest and costs. The expense of any attorney’s fees shall be divided between the city of Boston and the person so injured in proportion to the amounts received by them respectively.

Whoever intentionally or negligently injures a street worker for which he is granted a leave without loss of pay and is paid compensation in accordance with the provisions of this section shall be liable in tort to the city of Boston paying such compensation for all costs incurred by the department of the city of Boston in replacing such injured street worker personnel which are in excess of the amount of compensation paid.